

Application No.: 10/669,204

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Docket No.: 509192000201

REMARKS

Claim 1 was pending in the present application. By virtue of this response, claim 1 has been canceled, and new claims 2-10 have been added. Support for these new claims can be found throughout the specification, including the drawings. No new matter has been added. No claims have been amended. Accordingly, claims 2-10 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Double Patenting

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,626,899. By virtue of this response, claim 1 has been canceled, rendering this rejection moot. Accordingly, Applicants respectfully request that the double patenting rejection be withdrawn.

Rejection under 35 U.S.C. §102(e)

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,269,819 to Oz et al. As noted above, Applicants have canceled claim 1, thus rendering the rejection under 35 U.S.C. §102(e) moot. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §102(e) be withdrawn.

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New Claims

Claims 2-10

New claims 2-10, directed to methods of treating valvular regurgitation have been added. Support for these claims can be found throughout the specification and drawings, e.g., paragraphs [0060]-[0080], and figures 2-5, 12, and 18.

Applicants submit that these new claims are novel and non-obvious over the art made of record, and respectfully request that the Examiner pass this case to issue.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw all rejections of claim 1 and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509192000201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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